

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION  
JURY**

BARBARA GAY

VS.

KEVIN WATLEY AND ALABAMA  
MOTOR EXPRESS

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CIVIL ACTION NO. 5:21-CV-255

**DEFENDANTS' INDEX OF MATTERS FILED**

Now come Defendants, ALABAMA MOTOR EXPRESS and KEVIN WATLEY, and file this their Index of Pleadings filed in Cause No. **2021-CI-01094** in the 224<sup>th</sup> Judicial District Court of Bexar County, Texas.

<b><u>NUMBER</u></b>	<b><u>DATE FILED</u></b>	<b><u>DESCRIPTION</u></b>
1.	01/19/2021	Plaintiff's Original Petition and Request for Disclosure.
2.	03/12/2021	Defendants' Original Answer.
3.	03/12/2021	Defendants' Notice of Removal.

Respectfully submitted,

**DAVIDSON TROILO REAM & GARZA, P.C.**  
601 N.W. Loop 410, Suite 100  
San Antonio, Texas 78216  
Telephone: (210) 349-6484  
Facsimile: (210) 349-0041

//s// **David R. Rangel**  
**DAVID R. RANGEL**  
State Bar No. 24041749  
Federal I.D. No. 875461  
[drangel@dtgrlaw.com](mailto:drangel@dtgrlaw.com)

**NICONDRA CHARGOIS-ALLEN**

State Bar No. 24031395

Federal I.D. No. 872210

[nallen@dtgrglaw.com](mailto:nallen@dtgrglaw.com)

**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 12<sup>th</sup> day of March, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Ms. Bianca Habib

**THE DUNK LAW FIRM, PLLC**

4505 Caroline Street

Houston, Texas 77004

//s// *David R. Rangel*

**DAVID R. RANGEL**

**NICONDRA CHARGOIS-ALLEN**

# The State of Texas

Service of Process  
P.O. Box 12079  
Austin, Texas 78711-2079



Phone: 512-463-5560  
Fax: 512-463-0873  
Dial 7-1-1 For Relay Services  
[www.sos.texas.gov](http://www.sos.texas.gov)

Ruth R. Hughes  
Secretary of State

March 1, 2021

Alabama Motor Express  
10720 Hwy. 84 East  
Ashford, AL 36312

**2021-325395-1**

**Include reference number  
in all correspondence**

RE: Barbara Gay vs Kevin Watley Et Al  
224th Judicial District Court Of Bexar County, Texas  
Cause No. 2021CI01094

Dear Sir/Madam,

Pursuant to the Laws of Texas, we forward herewith by CERTIFIED MAIL, return receipt requested, a copy of the process received by the Secretary of State of the State of Texas on February 22, 2021.

CERTIFIED MAIL #71901046470101271379

Refer correspondence to:

Bianca Habib  
The Dunk Law Firm, PLLC  
4505 Caroline St.  
Houston, TX 77004

Sincerely,

Service of Process  
Government Filings  
512-463-1662  
GF/mo  
Enclosure

Case Number: 2021-CI-01094



2021CI01094 S00002

**BARBARA GAY****VS.****KEVIN WATLEY ET AL**

(Note: Attached Document May Contain Additional Litigants.)

 IN THE DISTRICT COURT  
 224th JUDICIAL DISTRICT  
 BEXAR COUNTY, TEXAS
**CITATION**

"THE STATE OF TEXAS"

 Directed To: ALABAMA MOTOR EXPRESS  
 BY SERVING THE TEXAS SECRETARY OF STATE

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and PETITION, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org." Said ORIGINAL PETITION was filed on the 19th day of January, 2021.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 22ND DAY OF JANUARY A.D., 2021.

 BIANCA HABIB  
 ATTORNEY FOR PLAINTIFF  
 4505 CAROLINE ST  
 HOUSTON, TX 77004-4911

 Mary Angie Garcia  
 Bexar County District Clerk  
 101 W. Nueva, Suite 217  
 San Antonio, Texas 78205
By: *Laura Castillo*, Deputy
 BARBARA GAY  
 VS  
 KEVIN WATLEY ET AL
**Officer's Return**
 Case Number: 2021-CI-01094  
 Court: 224th Judicial District Court

I received this CITATION on \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_ M. and ( ) executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION the date of delivery endorsed on it to the defendant, \_\_\_\_\_, in person on the \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_ M. at \_\_\_\_\_ or ( ) not executed because \_\_\_\_\_

Fees: \_\_\_\_\_ Badge/PPS #: \_\_\_\_\_ Date certification expires: \_\_\_\_\_

325395

\_\_\_\_\_ County, Texas

By: \_\_\_\_\_

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS \_\_\_\_\_

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_, and my address is \_\_\_\_\_ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in \_\_\_\_\_ County, State of Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Declarant \_\_\_\_\_

RETURN TO COURT (DK002)

Case Number: 2021-CI-01094



2021CI01094 S00002

**BARBARA GAY****VS.****KEVIN WATLEY ET AL**

(Note: Attached Document May Contain Additional Litigants.)

21 FEB 22 PM 1:36

SECRETARY OF STATE  
AUSTIN, TEXASIN THE DISTRICT COURT  
224th JUDICIAL DISTRICT  
BEXAR COUNTY, TEXAS**CITATION**

"THE STATE OF TEXAS"

Directed To: ALABAMA MOTOR EXPRESS  
BY SERVING THE TEXAS SECRETARY OF STATE

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and PETITION, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org." Said ORIGINAL PETITION was filed on the 19th day of January, 2021.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 22ND DAY OF JANUARY A.D., 2021.

 BIANCA HABIB  
 ATTORNEY FOR PLAINTIFF  
 4505 CAROLINE ST  
 HOUSTON, TX 77004-4911

 Mary Angie Garcia  
 Bexar County District Clerk  
 101 W. Nueva, Suite 217  
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By: *Laura Castillo*, Deputy
 BARBARA GAY  
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 KEVIN WATLEY ET AL
**Officer's Return**
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I received this CITATION on \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_ M. and ( ) executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION the date of delivery endorsed on it to the defendant, \_\_\_\_\_ in person on the \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_ M. at \_\_\_\_\_ or ( ) not executed because \_\_\_\_\_

Fees: \_\_\_\_\_ Badge/PPS #: \_\_\_\_\_ Date certification expires: \_\_\_\_\_

\_\_\_\_\_, County, Texas

By: \_\_\_\_\_

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS \_\_\_\_\_

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_, and my address is \_\_\_\_\_ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in \_\_\_\_\_ County, State of Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Declarant \_\_\_\_\_

ORIGINAL (DK002)

**2021CI01094**

CAUSE NO. \_\_\_\_\_

BARBARA GAY  
*Plaintiff*

V.

KEVIN WATLEY and ALABAMA  
MOTOR EXPRESS  
*Defendants*

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IN THE DISTRICT COURT

BEXAR, TEXAS

**224th** JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF THE COURT:

COMES NOW BARBARA GAY, Plaintiff in the above-styled cause and complains of Defendants KEVIN WATLEY and ALABAMA MOTOR EXPRESS and for cause would show unto the Court the following:

**I. DISCOVERY LEVEL**

1. Discovery is intended to be conducted under Level 2 pursuant to Tex. R. Civ. P. 190.

**II. PARTIES**

2. Plaintiff is a resident of San Antonio, Bexar County, TX.
3. Defendant Kevin Watley, whose driver's license ends in 379, is a resident of Eunice, Louisiana and may be served with process by serving him at his residence address: 620 Nimitz St., Eunice, LA, 70535-5648, or wherever he may be found.
4. Defendant Alabama Motor Express is an Alabama company doing business in the State of TX through its trucking operations. Alabama Motor Express has no registered agent for the State of Texas and may therefore be served with process under the Texas Civil Practice and Remedies Code, by serving the Texas Secretary of State Service of Process at P.O. Box 12079, Austin, TX

78711-2079. Alabama Motor Express's business address is 10720 Hwy. 84 East, Ashford, AL 36312.

### **III. JURISDICTION AND VENUE**

5. The amount in controversy exceeds the minimal jurisdictional limits of this Court.
6. Venue is proper in this cause pursuant to CPRC 15.002 in Bexar County, Texas because the cause of action accrued in Bexar County, Texas.

### **IV. FACTS**

7. On or about June 2, 2019, Plaintiff was traveling on the access road of IH 10 E in San Antonio, Bexar County, Texas. Defendant Kevin Watley, acting in the course and scope of his employment for Defendant Alabama Motor Express, was also traveling on the access road of IH 10 E when he struck Plaintiff's vehicle. The incident made the basis of this suit caused significant damage to Plaintiff's body. Plaintiff continues to suffer from the severity of her injuries caused by Defendants.

### **V. LIABILITY OF DEFENDANTS**

#### **A. KEVIN WATLEY: NEGLIGENCE**

8. The motor vehicle collision made the basis of this lawsuit, and Plaintiff's resulting injuries and damages, were proximately caused by the negligent conduct of Defendant Kevin Watley as follows:

- a. Failing to keep a proper lookout;
- b. Failing to apply the brakes to his vehicle in a timely manner to avoid the collision in question;
- c. Failing to obey our State's traffic regulations;
- d. Failing to pay attention when operating a motor vehicle on our State's public highways; and
- e. Failing to act as a person of ordinary prudence would have acted in same or similar circumstances.

9. Each of these acts and omissions, singularly or in combination with others, constituted negligence that proximately caused the occurrence made the basis of this action and Plaintiff's injuries and damages.

**B. ALABAMA MOTOR EXPRESS**

**1. *Respondeat Superior***

10. At the time of the collision made the basis of this suit, on or about June 2, 2019, Defendant Kevin Watley was acting in the course and scope of his employment for Alabama Motor Express. Accordingly, Alabama Motor Express is liable for Kevin Watley's actions and Plaintiff's damages.

**2. *Direct Negligence***

11. In addition to being legally responsible for Kevin Watley's acts of negligence committed in the course and scope of his employment, Alabama Motor Express is independently negligent in at least the following respects:

- a. Hiring a driver that it knew or should have known was unfit and reckless;
- b. Failing to properly supervise its driver; and
- c. Failing to properly train its driver.

12. These acts and omissions were the producing and proximate cause of Plaintiff's injuries and damages.

**VI. DAMAGES**

13. As a result of the negligent conduct of Defendants, jointly and severally, Plaintiff suffered and continues to suffer severe bodily injuries. Plaintiff suffered and/or will suffer past and future medical expenses, past and future pain and suffering, past and future mental anguish, past and future physical impairment, and past and future lost wages and earning capacity. Plaintiff claims for relief under Tex. R. Civ. P. 47(c)(5), in a maximum amount of \$1,300,000.00.

**VII. REQUEST FOR DISCLOSURE**



14. Plaintiff requests that Defendants respond to the disclosure requests contained in Tex. R. Civ. P. 194.2(a)-(l).

**VIII. RULE 193.7 NOTICE**

15. Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Plaintiff hereby gives actual notice to Defendants that any and all documents produced may be used against the Defendant at any pre-trial proceeding and/or at the trial of this matter without the necessity of authenticating the documents.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear and answer the Plaintiff and that Plaintiff have judgment against the Defendants, jointly and severally, for the following:

- a. Actual damages;
- b. Prejudgment and post-judgment interest;
- c. Costs of suit; and
- d. All other relief, in law and equity, to which Plaintiff may be entitled.

Respectfully Submitted,

**THE DUNK LAW FIRM, PLLC**



Bianca Habib  
State Bar No.: 24099835  
4505 Caroline St.  
Houston, Texas 77004  
(713)-223-1435  
(713)-223-1438 (fax)  
bhabib@dunklawyers.com

**CAUSE NO. 2021-CI-01094**

BARBARA GAY  
*Plaintiff*

V.

KEVIN WATLEY and ALABAMA  
MOTOR EXPRESS  
*Defendants*

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IN THE DISTRICT COURT

224<sup>TH</sup> JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

**DEFENDANTS' ORIGINAL ANSWER**

**TO THE HONORABLE JUDGE OF SAID COURT:**

Now come ALABAMA MOTOR EXPRESS and KEVIN WATLEY, Defendants in the above styled and numbered cause, and file their Original Answer to Plaintiff's Original Petition. In support, Defendants will show as follows:

**A. GENERAL DENIAL**

1. Reserving the right to file other and further pleadings, exceptions and denials, Defendants generally deny each and every material allegation contained in Plaintiff's last amended pleadings and demand that Plaintiff be required to prove the same by a preponderance of the evidence in accordance with the laws and rules of civil procedure of the State of Texas.

**B. PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Defendants ask this Court to enter judgment that Plaintiff take nothing against them, assess costs against Plaintiff, and award Defendants all other relief, at law or in equity, to which they may show themselves justly entitled.

Respectfully submitted,

**DAVIDSON TROILO REAM & GARZA, P.C.**  
601 N.W. Loop 410, Suite 100  
San Antonio, Texas 78216  
Telephone: (210) 349-6484  
Facsimile: (210) 349-0041

By: //s// **David R. Rangel**

**DAVID R. RANGEL**

State Bar No. 24041749

Email: [drangel@dtgrlaw.com](mailto:drangel@dtgrlaw.com)

**NICONDRA CHARGOIS-ALLEN**

State Bar No. 24031935

Email: [nallen@dtgrlaw.com](mailto:nallen@dtgrlaw.com)

**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been forwarded pursuant to Rule 21a, Texas Rules of Civil Procedure, on this the 12<sup>th</sup> day of March, 2021, as follows:

Ms. Bianca Habib  
**THE DUNK LAW FIRM, PLLC**  
4505 Caroline Street  
Houston, Texas 77004

//s// **David R. Rangel**

**DAVID R. RANGEL**

**NICONDRA CHARGOIS-ALLEN**

**CAUSE NO. 2021-CI-01094**

BARBARA GAY  
*Plaintiff*

V.

KEVIN WATLEY and ALABAMA  
MOTOR EXPRESS  
*Defendants*

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IN THE DISTRICT COURT

224<sup>TH</sup> JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

**DEFENDANTS' NOTICE OF REMOVAL**

**TO THE HONORABLE JUDGE OF SAID COURT:**

Now come ALABAMA MOTOR EXPRESS ("AMX") and KEVIN WATLEY ("WATLEY"), Defendants in the above numbered and styled cause, and file this Notice of Removal, and in support respectfully show the Court the following:

1. ALABAMA MOTOR EXPRESS and KEVIN WATLEY are Defendants in the above numbered and styled cause filed on January 19, 2021.

2. The district courts of the United States have original jurisdiction over this action based on diversity of citizenship among the parties, in that Plaintiff is a Texas resident; Defendant AMX is an Alabama corporation where its managerial, operational and decision-making centers are located and is also incorporated in Alabama; and Defendant WATLEY is a resident of Louisiana.

3. Pursuant to, and in conformance with the requirements set forth in 28 U.S.C. § 1446, Defendants remove this action for trial from the 224<sup>th</sup> Judicial District Court of Bexar County, Texas, on this the 12<sup>th</sup> day of March, 2021.

Respectfully submitted,

**DAVIDSON TROILO REAM & GARZA, P.C.**

601 N.W. Loop 410, Suite 100

San Antonio, Texas 78216

Telephone: (210) 349-6484

Facsimile: (210) 349-0041

By: //s/ David R. Rangel

**DAVID R. RANGEL**

State Bar No. 24041749

Email: [drangel@dtgrlaw.com](mailto:drangel@dtgrlaw.com)

**NICONDRA CHARGOIS-ALLEN**

State Bar No. 24031935

Email: [nallen@dtgrlaw.com](mailto:nallen@dtgrlaw.com)

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